



U.S. Department of Justice

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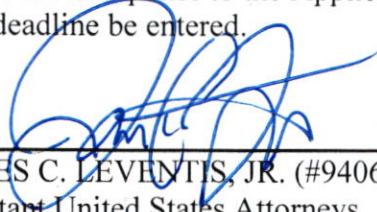
The Honorable Richard M. Gergel
United States District Court
for the District of South Carolina
Beaufort Federal Courthouse
1501 Bay Street
Beaufort, South Carolina 29902

Re: U.S. ex rel. Dr. Michael Mayes vs. Berkeley Heartlab Inc., et. al., Case No. 9:14-cv-00230 (Consolidated with 9:11-cv-1593-RMG and 9:15-cv-2485-RMG)

Dear Judge Gergel:

On February 5, 2016, the United States filed an Application for Prejudgment Remedies Against Defendants BlueWave Healthcare Consultants, Inc., Floyd Calhoun Dent, III, and Robert Bradford Johnson ("Application"). See ECF No. 174. The Application seeks relief pursuant to the Federal Debt Collection Procedures Act ("FDCPA"), 28 U.S.C. § 3001, et seq. In filing the Application, the United States selected the event – for ECF purposes – as a "motion," which resulted in an automatically-generated response deadline for the Application of February 22, 2016 on the docket.

As stated in the United States' Application, both the FDCPA and the relevant case law provide specific guidance concerning when, and if, a response is due. "Because of the quickness with which the debtor may dispose of property, the Court may issue the prejudgment relief requested, without waiting for a response from the debtor, so long as the United States has made its required showing. NLRB v. E.D.P. Med. Comp. Sys., Inc., 6 F.3d 951, 955-56 (2d Cir. 1993)." Application at 2. The FDCPA outlines at 28 U.S.C. § 3101(d)(2) the mechanics by which debtors may seek to void writs and that they may request a hearing "at any time before judgment on the claim." See also 28 U.S.C. §§ 3104, 3205 (outlining when and how a debtor can object to an Answer filed pursuant to a Writ of Garnishment). Accordingly, the United States respectfully requests that the deadline for a response to the Application of February 22, 2016 be removed from the docket and that no deadline be entered.

By: 
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